

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ALI BAHAR : **Case No.: C-1-01-798**
PLAINTIFF : **(Judge Watson)**
vs. : **DEFENDANT CITY OF CINCINNATI'S**
CITY OF CINCINNATI : **MOTION FOR STAY OF PLAINTIFF'S**
DEFENDANT : **APPLICATION FOR FEES & COSTS**

Defendant, City of Cincinnati, by and through its counsel, respectfully requests that Plaintiff's Application for Attorneys fees filed on February 4, 2005 be stayed until the case is concluded.

A memorandum in support of this motion is attached.

Respectfully Submitted,
J. RITA MCNEIL (0043535)
City Solicitor

s/Augustine Giglio
Augustine Giglio (0031911)
Terrence Nestor (0065840)
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Trial Counsel for Defendant

MEMORANDUM IN SUPPORT OF MOTION FOR STAY

Since this case is ongoing and has not reached conclusion, it is impracticable to address attorney fees at this point in time. As noted in Plaintiff's counsel motion, the Plaintiff's counsel intends to amend his application for fees or file an additional application when the case is fully resolved. To address Plaintiff's Motion for Attorney fees at this point will result in a piece-meal approach to the issue of fees. It is more reasonable to address attorney fees at the conclusion of the case and not in the middle of litigation.

Therefore the issue and proper amount of fees the Court should consider is not ripe at this time. It is not only premature but an unnecessary expenditure of time to submit additional briefs and arguments on the issue of attorney fees at this stage in the proceedings.

It is therefore respectfully requested that Plaintiff's Motion for Fees and expenses be stayed until this case has been fully concluded.

In the alternative, Defendant requests that in the event this Court denies Defendant's Motion for Stay, Defendant be allowed additional time to respond from the date of such denial.

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Trial Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on February 9th, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Kelly Mulloy Myers and Randolph Freking, counsel for Plaintiff, Freking & Betz, 215 East Ninth Street, Fifth Floor, Cincinnati, Ohio 45202.

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